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United States District Court
Western District of Virginia
Roanoke Division

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AT ROANOKE, VA
FILED

OCT 09 2012

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Jacob Shouse, No. 1101441,
Plaintiff,

v.

David Bohem, Ella Davison, and
Tammy Jones,
Defendants,

Jury Trial
Demanded

Complaint

This is A civil Rights action filed by Jacob Shouse, A state prisoner for damages and injunctive relief under 42 U.S.C. § 1983, alleging denial of mental health treatment and excessive use of force and denial of medical care all in violation of the eighth amendment to the United States Constitution, conditions of confinement as well, in violation of the 8th amendment.

Jurisdiction

1) This court has jurisdiction over the plaintiffs claims of violations of federal constitutional rights under 42 U.S.C. §§ 1331 (1) and 1343

Parties

2) The plaintiff, Jacob Shouse, was incarcerated

at Marion Correctional and Treatment Center (MCTC) during the events described in this complaint.

3) Defendant David Behm is the warden at MCTC and is in charge of supervision and operation and supervision of all staff at MCTC. He is sued in his individual capacity.

4) Defendant Ella Dawson is a registered nurse and is the Director of Nursing and is in charge of supervision and discipline of all medical staff at MCTC. She is sued in her individual capacity.

5) Defendant Tammy Jones is a Family Nurse Practitioner and is in charge of giving medical care to all prisoners. She is sued in her individual capacity.

Facts

6) Plaintiff was housed at MCTC twice in the last year, August to September, 2011, and from June to September 2012.

7) His entire stay, committed by special justice, was served in long-term segregation/isolation.

8) Both commitments were because plaintiff was deemed suicidal and an imminent risk to himself in need of acute mental health

Treatment since he attempted suicide and other self-injurious acts and being mentally ill.

9) Plaintiff is A custody / security level 5 or 6, meaning he's in segregation long term.

10) In late 2007 or early 2008 NCTC implemented institutional policy that all Level 5 or 6 prisoners must remain in segregation / isolation their entire stay; therefore, unable to receive adequate mental health treatment, i.e., school, groups, etc.

11) The only treatment available in segregation at NCTC is forced medication, speaking to A qualified mental health professional (AMHP) up to two or three minutes each day and A treatment team review meeting for five to fifteen minutes monthly. No therapy, treatment-groups, etc. as others with lower security levels receive.

12) In segregation / isolation at NCTC with lack of adequate mental health treatment the plaintiff became more suicidal, further self-injurious and in A worse mentally ill condition.

13) In August 2012 (and at relevant dates before which plaintiff cannot recall) plaintiff was present at the Institutional Classification Authority hearing and asked to go to the treatment population

and was denied due solely to his security level.

14) The conditions of confinement in segregation at MCTC is inhumane.

15) At all times relevant to this complaint the plaintiff was forced to sleep on the floor and sometimes for several days with no mat. The cell had no bed, no sink/water, unable to flush his toilet and open holes/cracks in his windows.

16) The facility is so old the windows fall apart allowing the suicidal plaintiff to break glass and swallow window screws.

17) Spiders and insects fill the segregation unit.

18) Sensory overload and sensory deprivation torture is tactical strategy at MCTC, the prisoners cannot have social interaction while in segregation.

19) MCTC has implemented A new practice of intimidation while conducting injections. They suit up in riot gear, complete with electric shock shields and tear gas just to intimidate prisoners to adhere to injection administration regardless of the plaintiff/prisoner accepts or is not forced medicated.

20) ~~Plaintiff~~ complained to defendant Tammie Jones that he could not urinate on several occasions from June through September 2012 and the defendant would procrastinate and delay

medical treatment until the plaintiff is lying on the floor crying in pain, bladder fully distended. When called plaintiff urinated bloodclots, this occurred for several weeks.

21) Plaintiff reported this to defendant Ella Dawson and she said she did not believe the plaintiff, that defendant Jones and her nurses are professional.

22) Plaintiff reported this several times to no avail, to defendant Ella Dawson

23) Plaintiff has exhausted all his administrative remedies, as they were made available to him, for all facts (from 2011 to 2012) relevant to this complaint.

Claims for Relief

24) The actions and discrimination of security guards by defendant Behr's failure to intervene in the inadequate mental health treatment to plaintiff + all kind 5 or 6 prisoners constitutes A violation of the 8th amendment of the U.S. Constitution.

24) The cruel and unusual conditions of confinement and excessive use of force implemented by MTC is A violation of the 8th

amendment of the U.S. constitution.

25) The actions of defendants Jones and Davison of failure to provide adequate medical care and failure to intervene constitutional cruel and unusual punishment in violation of the 8th amendment of the U.S. constitution.

Relief Requested

WHEREFORE, plaintiff request the court grant the following relief:

A. Issue A declaratory judgment stating that:

1) The policy of not letting level 5 or 6 PRISONER enter the treatment population to receive all treatment services violates the plaintiff's and other prisoners rights under the 8th amendment to the U.S. Constitution. And failure to curb this action is the same.

2) That defendant Bohm should take A new approach in housing level 5 or 6 PRISONERS.

B. Issue an injunction ordering defendant Bohm to implement new institutional policy that allows all security levels to receive the same mental health services and eliminate the use of segregation/isolation for mentally ill prisoners based solely on their security levels.

C. Award compensatory damages in the following amounts:

1) \$5,000 jointly and severally against all defendants for the emotional injury and physical injury to the plaintiff for the denial of adequate mental health and medical care.

D. Award punitive damages in the following amount:

1) \$1,000 against the three defendants.

E. Grant such other relief as it may appear that the plaintiff is entitled.

October 3, 2012

Respectfully submitted

Jacob Shouse

Jacob Shouse, # 116441

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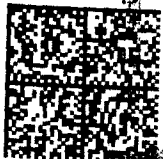
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